

Message Text

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17

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 EB-07 COME-00 JUSE-00 CIAE-00

DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 TRSE-00 /060 W

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R 262110Z APR 76

FM AMEMBASSY TEGUCIGALPA

TO SECSTATE WASHDC 3172

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E.O. 11652: N/A

TAGS: PGOV, PFOR, HO

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:
FOREIGN LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 094647

1. THE FOLLOWING ARE RESPONSES OBTAINED FROM LOCAL ATTORNEYS
AND EMBASSY STAFF TO QUESTIONS POSED IN REFTEL:

A. YES. TERMS OF LAW ARE GENERAL. ARTICLE 384 THROUGH 389
OF THE HONDURAN PENAL CODE DEAL WITH LEGISLATION WHICH SETS
PUNISHMENT FOR THOSE PUBLIC OFFICIALS WHO RECEIVE BRIBES AND
FOR THOSE WHO OFFER THEM. PUNISHMENT IS THE SAME FOR BOTH.
GOH DECREE 301 OF 30 DECEMBER 1975 AND ACUERDO 804 OF 22 MARCH
1976, ALTHOUGH NOT DEALING SPECIFICALLY WITH THE PUNISHMENT
OF BRIBERY OFFENSES, REQUIRE THAT ALL GOVERNMENT EMPLOYEES
EARNING MORE THAN \$250 PER MONTH PROVIDE STATEMENTS OF THEIR
NET WORTH. THIS, OF COURSE, IS AN ATTEMPT TO ELIMINATE THE
"ILLEGAL ENRICHMENT" OF PUBLIC EMPLOYEES.

B. NO. HONDURAS DOES NOT REPEAT NOT HAVE ANY LAWS OR REGU-
LATIONS REQUIRING DISCLOSURE OF PAYMENTS MADE TO OR FOR THE
BENEFIT OF GOVERNMENT OFFICIALS. PROOF MAY BE REQUESTED FOR
PROBATORY PURPOSES; HOWEVER, THERE IS NO SPECIFIC REGULATION
FOR THIS CASE. CASES FALL UNDER GENERAL RULES OF PENAL SUIT
LAW WHICH REFER TO GENERAL PROOF.

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C. YES, BUT ONLY IN GENERAL. THERE ARE LAWS IN FIELDS OF

COMMERCE, E.G. COMMERCIAL CODE, FISCAL OR TREASURY OR BANKING THAT REGULATE ECONOMIC OR COMMERCIAL TRANSACTIONS OF AND WITH THE GOVERNMENT, AS WELL AS REGULATIONS OF THE OFFICE OF PURVEYOR (PURCHASING) AND THE ATTORNEY GENERAL OF THE REPUBLIC. SPECIFICALLY, HOWEVER, CONCERNING FOREIGN REPRESENTATIVES, THERE ARE NO LAWS, ALTHOUGH ONE IS UNDER PREPARATION.

D. NO.

E. NO.

F. YES, IF AND WHEN THESE UNDISCLOSED PAYMENTS TO INFLUENCE CORPORATE DECISION-MAKING HARM THE "INFLUENCED" CORPORATION, SINCE THIS CONSTITUTES "DISLOYAL COMPETITION" AND IS SPECIFIED IN TITLE II, ARTICLE 425 OF HONDURAN COMMERCIAL CODE IN CHAPTER DEALING WITH DISLOYAL COMPETITION. IN CASE OF DISLOYAL COMPETITION, SANCTIONS GENERALLY ARE FINES OR PAYMENT OF DAMAGES.

2. FULL TEXT OF RELEVANT LAWS (A AND F ABOVE) BEING POUCHED TO L/PM.
SANCHEZ

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